

Customer No.: 31561
Docket No.: 11987-US-PA
Application No.: 10/708,212

REMARKS

Claims 1-3 and 8 are still pending because they were rejected on the grounds of lacking novelty. Applicant respectfully traverses the examiner's preceding rejection and the required election/restriction based on the following arguments. Applicant respectfully submits that claims 1-3 and 8 patently define over prior art of record and reconsideration of this application is respectfully requested.

Arguments on election/restriction

4. *The examiner respectfully disagrees due to a change of duty cycle of a signal that can be generated either with or without a change of frequency and /or phase. For example, a duty cycle is defined as:*

$$\text{Duty cycle} = (T_{on})/(T_{on}+T_{off})$$

Applicants elected the group I including claims 1-3 and 8; nevertheless, applicant respectfully requests the examiner to reconsider the withdrawal of the restriction requirement based on the following arguments. As explained by the examiner, a change of duty cycle of a signal that can be generated either with or without a change of frequency and /or phase. In other words, duty cycle, frequency and phase may vary independently. However, in some situations, from above the formula of duty cycle, if $(T_{on}+T_{off})$, i.e. a cycle time or a frequency, is changed, duty cycle is changed accordingly. Thus, in fact, a correlation indeed exists between duty

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cycle, frequency and phase, which renders Group I, II and III not to be regarded separate inventions, and the re-consideration of withdrawing the election/restriction is respectfully requested.

Discussion for objection to claims under 35U.S.C. 102(e)

6. *Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Xu et al. (U.S. Pub. 2003/0085749), hereinafter referred to Xu.*

In response thereto, applicants respectfully traverse the preceding examiner's objections to the claims 1 and 8 based on the following arguments.

To establish a prima facie case of anticipation, the cited reference (i.e. Xu) should teach, suggest or disclose all limitations of the claims 1 and 8. In Fig.7, in Xu, the examiner alleged marked A functions as an illumination adjusting signal as claimed in the claims 1 and 8. Actually, the marked A is a feedback signal of LED and used to stabilize its brightness. Instead, in the present application, illumination adjusting signal is used to dim the light so that the marked A is not illumination adjusting signal. Further, the examiner alleged marked B functions as an illumination control signal, of which a phase shift, a frequency and duty cycle vary with time within a predetermined range as claimed in the claims 1 and 8. However, marked B is comprised of a high frequency portion and a low frequency portion. With respect to the high frequency portion, when it is cut off at low level of the low frequency, it's duty cycle, frequency are zero and no phase shift ours because no Ton occurs at low level of the low frequency so as not to generate any phase angle shifting before or

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after Ton. With respect to the low frequency portion, its duty cycle, frequency and phase are not changed at all. As every duty cycle is determined by its corresponding frequency, either high or low frequency portion, marked B fails to disclose "a phase shift, a frequency and duty cycle of the illumination control signal vary with time within a predetermined range as claimed in the claims 1 and 8. In other words, the claims 1 and 8 are not anticipated by Xu and thus patentable.

Response to Double Patenting

8. *Claims 1-3 and 8 are provisionally rejected on the ground of nonstatutory double patenting over claims 1,2,4,6 of copending App. No. 10/712,246.*

In response thereto, applicant agrees to file terminal disclaimer to overcome double patenting. However, applicant respectfully request the withdrawal of double patenting be re-considered based on the following arguments. The subject matters of claims 1,2,4,6 of App. No. 10/712,246 is a circuit that comprises a DC/AC inverter for controlling a fluorescent lamp, instead of a circuit that comprises a DC/DC converter for controlling an LED as claimed in the present application. Thus, the present application and App. No. 10/712,246 have different claimed subject matters and accordingly, should not regarded as a same invention. The re-consideration of withdrawing the double patenting is respectfully requested.

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CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-3 and 8 of the invention patentably define over the prior art and are in proper condition for allowance. Reconsideration of claims 1-3 and 8 and the present application is respectfully requested. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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